

**REMARKS UNDER 37 CFR § 1.111**

**Formal Matters**

Claims 17-37 are pending after entry of the amendments set forth herein.

Claims 17 and 24 have been amended to more particularly point out and distinctly claim the invention. The amendments were fully supported within the originally filed application. For example, the term “growth hormone” is defined in the specification at page 2, paragraph [0007] as including human growth hormone. Examples of commercially available human growth hormone as well as a patent specifically disclosing human growth hormone is disclosed. Accordingly, no new matter has been added.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

**Formal Matters re Priority**

The Examiner requested that the specification be amended to refer to the earlier application issuing as a patent. The amendment has been attended to thereby overcoming the objection.

**35 U.S.C. §112 Rejection**

The previous claims were rejected under 35 U.S.C. §112 in support of the rejection it was indicated that the previous claims included a term wherein the metes and bounds could not be determined. The Examiner suggested the possibility of replacing the term with the term “human growth hormone.” Without acquiescing to the rejection and in order to expedite prosecution the claims have been amended thereby rendering the rejection moot.

**Double Patenting Rejection**

The previously pending claims 17-37 were rejected under the judicially created doctrine of obviousness-type double patenting. The rejection is traversed as applied and as it might be applied to the presently pending claims.

However, applicants wish to expedite prosecution of the application. Accordingly, applicants have attached hereto a Terminal Disclaimer with respect to the earlier issued U.S. Patent 6,306,826, thereby rendering the rejection moot.

**Conclusion**

The specification has been amended to refer to the issuance of the earlier application as a patent. The claims have been amended to overcome the 35 U.S.C. §112 rejection. Lastly a Terminal Disclaimer has been filed rendering the double patenting rejection moot. In view of such all of the objections and rejections are believed to have been overcome or rendered moot and the application is believed to be in condition for allowance.

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number UCAL-082CON.

Respectfully submitted,  
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Date: 18/FEB/04

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Attachment: Terminal Disclaimer